

**From:** "Edward Piza" <E.Piza@Barthco.com>  
**To:** <Secretary@fmc.gov.>  
**Date:** 9/27/04 11:53AM  
**Subject:** NVOCC tariff/Service Contract Exemption Petitions Dockets Nos. p3-03,5-03, et al.

Please find attached in word my response to the UPS/NITL PETITION.  
Thank you for allowing me the opportunity to respond.

Sincerely,  
Ed.Piza  
Senior V.P.  
Barthco International  
732-266-3183  
Mailto: E.Piza@barthco.com

**CC:** <EGreenberg@gkglaw.com>

To: Secretary @ fmc.gov.

Subject: "NVOCC Tariff/Service Contract Exemption Petitions; Dockets Nos. p3-03  
5-03, et al."

My name is Edward Piza and I am a senior vice president at Barthco International, Inc. My primary responsibility is the corporate management of our licensed OTI-NVOCC, Seahorse Carrier Services, Inc.

Barthco International is primarily a customs broker and international freight forwarder providing a multitude of supply chain solutions to our customers. We are one of the largest independently owned corporations in our industry and provide services to many fortune 500 companies.

Barthco is firmly established in the critical Asia – USA transportation marketplace. We maintain an FMC-issued Ocean Transport Intermediary (OTI) license, and provide ocean transportation services in the name of Seahorse Carrier Services, Inc., our wholly-owned subsidiary.

We have service contracts with major ocean and air carriers currently in force, covering cargo flows to and from points throughout Asia and Europe. These contracts are negotiated for the benefit of our clients. They allow us to offer multiple options to clients in order to satisfy their individual needs. Thus, we offer multiple sailing options on a weekly basis from a wide array of origin Asian ports, each with varying transit times and pricing.

Together with our partner affiliates, we provide an efficient, highly automated seamless process to coordinate import cargo needs, from the inception of the purchase order through customs clearance and delivery of cargo to its final destination point. As an OTI-NVOCC in 2004, we will handle approximately 15,000 forty foot containers. As stated earlier, we are one of the largest customs brokers and freight forwarders handling the logistics needs of some of the largest Fortune 500 Companies as well as a multitude of small to mid size customers

I am writing this letter as I am aware of the U.P.S./NITL petition and of the originally filed tariff exemption filed by NCBFAA.

I believe the service agreement proposal does nothing to eliminate the cost and burden currently being experienced through tariff publication

I can see no reason to file such agreements with FMC or publish essential terms since it is burdensome, no one accesses rate tariff publications today, shippers do not rely on tariff publications, and there is little reason to believe that this will change in the future.

I believe it's very important that the commission understands that most if not all our NVOCC business is done on a case by case basis with our customers. All of the work in securing business is done up front and prior to filing any rates with the FMC. In some cases this is on a shipment by shipment basis. Memorializing these arrangements in formal written contracts and filing them with the commission prior to the time the freight moves is burdensome, very costly, and often impossible or impractical to achieve without causing unnecessary shipment delays. Tariff filing is inconsistent with how OTI's must react to the spot market that exists for steamship line rates and is needlessly costly, time consuming, and in this post-OSRA era an unnecessary burden.

I believe that negotiated rate arrangements with shippers can be memorialized in written form in OTI-NVOCC files without having to be formally submitted to the FMC; these written arrangements would still be subject to review by the Commission's staff as may be necessary without subjecting Companies to a needless filing expense.

I believe the NCBFAA petition seeking the broad tariff exemption is far more preferable as it eliminates needless expense, permits NVOCC's to be more responsive to the ocean shipping marketplace, and the needs of their shipping customers, while still permitting the FMC to oversee the trade, correcting any abuses and or malpractices, and still protecting the shipping public.

I would respectfully urge the FMC to take prompt action to grant the NCBFAA's petition.

Sincerely  
Edward Piza  
Senior V.P.  
Barthco, Intl.